

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

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BOBBY GENE FLOYD,

Plaintiff,

CASE NO. 1:07-cv-1012

v

HON. JANET T. NEFF

MARY BEGHUIS et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt 5) filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the Opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. § 1915A(b). Dismissal of this action will count as a strike for purposes of 28 U.S.C. § 1915(g). The Court further finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: January 3, 2008

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge